

**Assembly Bill No. 2714**

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Passed the Assembly    August 25, 2000

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*Chief Clerk of the Assembly*

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Passed the Senate    August 25, 2000

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*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2000, at \_\_\_\_\_ o'clock \_\_\_\_M.

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*Private Secretary of the Governor*

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## CHAPTER \_\_\_\_\_

An act to amend Section 1626 of the Health and Safety Code, relating to blood products.

## LEGISLATIVE COUNSEL'S DIGEST

AB 2714, Wesson. Blood: blood products.

Existing law states the Legislature's intent with respect to acquisition of blood platelets by health care providers. Under existing law, it is unlawful to use blood obtained from a paid donor in any transfusion with certain exceptions. One of these exceptions, applicable after March 15, 1987, and on or before December 31, 2001, authorizes the use of blood platelets secured from donors through the hemapheresis process when certain requirements are satisfied.

This bill would extend the termination date of that exception to January 1, 2003. This bill would also delete the statement of the Legislature's intent with respect to blood platelet acquisition. The bill would also require a potential platelet donor to provide a blood sample prior to donation, in accordance with specified provisions. The bill would also require the donor to schedule an appointment for platelet donation.

Existing law requires the Assembly Office of Research to conduct a national review of published materials regarding the benefits and problems of using paid donors for hemapheresis. The Assembly Office of Research was required to report the results of the review to the Legislature on or before June 30, 1993.

This bill would delete this provision.

*The people of the State of California do enact as follows:*

SECTION 1. It is the intent of the Legislature that California adopt a completely voluntary system of blood platelet collection and usage by January 1, 2003.

SEC. 2. Section 1626 of the Health and Safety Code is amended to read:



1626. (a) Except as provided in subdivisions (b) and (c), it shall be unlawful, in any transfusion of blood, to use any blood that was obtained from a paid donor.

(b) Subdivision (a) shall not be applicable to any transfusion of blood that was obtained from a paid donor if the physician and surgeon performing the transfusion has determined, taking into consideration the condition of the patient who is the recipient of the transfusion, that other blood of a type compatible with the blood type of the patient cannot reasonably be obtained for the transfusion.

(c) Subdivision (a) shall not apply to blood platelets secured from paid donors through the hemapheresis process if all of the following requirements are satisfied:

(1) The blood platelets are ordered by a doctor holding a valid California physician's and surgeon's certificate.

(2) The blood platelets are secured from a single donor and are sufficient to constitute a complete platelet transfusion.

(3) The donor's identification number is recorded on the platelet label and is kept in the records of the entity providing the blood platelets for a minimum of five years.

(4) The donor has been examined by a doctor holding a valid California physician's and surgeon's certificate, and a repeat donor is reexamined at least annually.

(5) The transfusion is performed in a general acute care hospital.

(6) The blood platelets are processed according to standards issued by the American Association of Blood Banks, pursuant to Section 1602.1.

(7) The donor and blood are tested in accordance with regulations issued by the State Department of Health Services.

(8) The entity providing the blood platelets is licensed by the State Department of Health Services.

(9) The information that the donor of the blood platelets was compensated is printed on the label in accordance with Section 1603.5.



(10) In all instances, a potential donor shall provide a blood sample, which shall be tested with the standard panel of blood tests required by the State Department of Health Services for all blood donations. The results of the testing shall be obtained, evaluated, and determined to be acceptable prior to allowing the potential donor to provide his or her first donation of platelets. In addition, all donors shall be required to schedule an appointment for platelet donation.

(11) Any entity that is not collecting blood platelets from paid donors on August 1, 2000, shall obtain written permission from the director prior to compensating any donor for blood platelets.

(d) Subdivision (c) shall become inoperative on January 1, 2003.

(e) (1) Commencing in January 1996, and every year thereafter through the 2002 calendar year, those blood banks acquiring blood platelets from paid donors shall report all of the following information to the State Department of Health Services:

(A) The specific actions undertaken to obtain blood platelets from volunteer donors.

(B) The percentage of compensated and volunteer donors from whom blood platelets were obtained during the period covered by the report.

(C) The number of repeat donors making platelet donations during the period covered by the report.

(2) The department shall transmit the information received pursuant to this subdivision to the Senate Health and Human Services Committee and the Assembly Health Committee for review by those committees consistent with subdivision (a). The department shall monitor and assess the supply and distribution of hemapheresis products, and shall recommend to the Legislature any action the department believes beneficial to the supply, safety, and quality of blood products used in this state.

(3) Paragraph (1) of this subdivision is not intended to require the disclosure and reporting of information that



would put the blood banks at a competitive disadvantage in attracting volunteer donors.



Approved \_\_\_\_\_, 2000

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*Governor*

